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*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
EMMET & CO., INC. and  
FIRST MANHATTAN CO.,

Plaintiffs,

v.

CATHOLIC HEALTH EAST and  
MERRILL LYNCH & CO., INC.,

Defendants.  
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No. 11-Civ.-3272 (RMB)

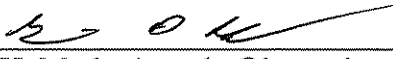
**RULE 7.1 STATEMENT**

Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for plaintiff First Manhattan Co. ("FMC"), a non-governmental party, hereby certifies that (i) FMC has no parent corporation and (ii) that no corporation owns 10% or more of FMC's stock.

Dated: New York, New York  
September 9, 2011

Respectfully submitted,

KASOWITZ, BENSON, TORRES  
& FRIEDMAN LLP

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